

# **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

## **NOTICE OF PROPOSED REGULATION**

TITLE 13, CALIFORNIA CODE OF REGULATIONS,  
DIVISION 2, CHAPTER 4, ADD ARTICLE 13 TIRE TRACTION DEVICES,  
SECTIONS 1070-1074

### **Tire Traction Devices (CHP-R-2014-03)**

The California Highway Patrol (CHP) proposes to adopt regulations in Title 13 of the California Code of Regulations, relating to tire traction devices.

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The CHP has expressed authority to propose regulation rules per Section 2402 of the California Vehicle Code (CVC), and has the authority to adopt regulation specifically concerning tire traction devices per Section 26103(a) CVC. The intent of these regulations is to adopt specific uniform criteria for determining which types of tire traction devices are approved for use on California highways.

### Anticipated Benefits of the Proposed Regulation:

The proposed regulations will continue to provide nonmonetary benefits by protecting the health and safety of the public, employees, and environment by providing safety testing requirements for the use of tire traction devices, which directly improves the safety of the motoring public.

### Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

The CHP has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the CHP has concluded that these are the only regulations that concern tire traction devices.

## **PUBLIC COMMENTS**

Any interested person may submit written comments on this proposed action via facsimile at (916) 322-3154, by email to [cvsregs@chp.ca.gov](mailto:cvsregs@chp.ca.gov), or by writing to:

CHP, Enforcement and Planning Division  
Commercial Vehicle Section  
ATTN: Officer Kristi McNabb or Sergeant Tye Meeks  
P. O. Box 942898  
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 p.m., March 27, 2017.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

### **AVAILABILITY OF INFORMATION**

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 322-3154 or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number (in case information is incomplete or illegible).

The rulemaking file is available for inspection. Interested parties are advised to call CHP, CVS for an appointment.

All documents regarding the proposed action are available through the CHP's Internet Web site at <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>.

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above address. Copies will be posted on the CHP's Internet Web site.

### **CONTACT PERSON**

Any inquiries concerning the written materials pertaining to the proposed regulations, or questions regarding the substance of the proposed regulations, should be directed to Officer Kristi McNabb or Sergeant Tye Meeks (back-up contact), CHP, CVS at (916) 843-3400.

### **ADOPTION OF PROPOSED REGULATIONS**

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or non-substantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

### **FISCAL AND RESULTS OF THE ECONOMIC IMPACT ANALYSIS**

The CHP has made an initial determination that this proposed regulatory action; (1) Will have no effect on housing costs; (2) Will not impose any new mandate upon local agencies or school districts; (3) Will involve no nondiscretionary or reimbursable costs or savings to any local agency, school district, or state agency, or federal funding to the state; (4) Will neither

create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California and; (5) Will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states; (6) Will cause no significant increased costs for vehicle manufacturers; (7) Will cause no significant compliance cost for persons or businesses directly affected; (8) Will have no impact on the level of employment in the state; (9) Will have no discernible adverse impact on the quantity and distribution of goods and services to large and small businesses or the public; and (10) Will continue to provide a nonmonetary benefit to the protection and safety of public health, employees, and the environment by providing a regulatory basis for enforcement efforts as they relate to tire traction devices. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

### **COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

The CHP is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

### **EFFECT ON SMALL BUSINESSES**

The CHP has determined that the proposed regulatory action will not significantly affect small businesses.

### **ALTERNATIVES**

In accordance with Government Code Section 11346.5(a)(13), the CHP must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

### **AUTHORITY**

The CHP has the authority to propose regulation rules and is required to submit such regulation proposals in the format specified by Section 2402 CVC. The CHP has specific authority to propose regulations specifically pertaining to tire traction devices per Section 26103 CVC.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL  
E. L. FALAT, Chief  
Enforcement and Planning Division